IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

C.W.P.No. 8532 of 2005

Date of decision: 19-4-2007

Mansahia Transport Co. Pvt. Ltd. Vs. State of Punjab and others

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Shri Sachin Midha Advocate,
for the petitioner

Shri Baldev Kapoor, Advocate

Shri N.S.Virk, Additional A.G. Punjab.

K.S.GAREWAL,J.

Mansahia Transport Company Private Limited is a transport company with its head quarter at Mansa. The company was granted one permit with half return trip daily on the Bathinda-Amritsar route on July 15, 1996 by the State Transport Commissioner, Punjab exercising powers of the Regional Transport Authorities, Ferozepur. The said order is Annexure P-1. The State Transport Commissioner recorded as under:-

> "Mansahia Transport Co. Pvt. Ltd. Mansa is the most deserving applicant for the grant of permit. This company is a very old company. The company has a fleet of buses and 7 permits on different routes. The headquarter of the company is at Mansa and the Co. can manage the operation on the route adequately. During hearing the representative of the company assured to provide complaint free and comfortable service to public".

Some of the unsuccessful parties filed appeals before the State Transport Tribunal. During the pendency of those appeals the petitioner applied for increase of a trip on the said route, which was allowed by the State Transport Commissioner on November 18, 1997. The return trips were increased from half to one. However, the Tribunal on August 12, 2004 decided to remand the matter back only with regards to the appeal of Raj Transport Company (herein impleaded as respondent No.4). State Transport Commissioner considered the matter after remand in meeting held on January 20, 2005. The merits of Raj Transport were considered favourably and this company was granted one permit with half return trip daily on the route in question. The permit of Mansahia Transport Company was rejected.

The learned counsel for the petitioner has contended that the petitioner is not interested in getting Raj Transport's permit cancelled but is seeking revocation of the cancellation of its own permit. The learned counsel for the petitioner has validly argued that the permit on the route in question that was granted to Punjab Roadways II, but was returned on July 28, 2006, can be validly and without any difficulty granted to the petitioner.

We have seen the affidavit of Punjab Transport Authority, Ferozepur dated October 30, 2006. Therein it has been specifically stated as under:-

> "That according to the record maintained by the office of deponent Punjab Roadways, Amritsar II, has deposited two regular stage carriage permits No. 3-4/PRAII/RTA/F/96 with one return trip daily on Bathinda to Amritsar via Baja-

Kotkapura-Talwandi Bhai-Makhu route through letter No. 4982/PK dated 28/7/06 received in the office of the deponent on 3/8/06."

Reference was made to a Division Bench decision of this Court in Amloh Bus Service (Regd) Vs. The State of Punjab (C.W.P.No. 18213 of 2003 decided on March 27, 2006). The Bench held that permits which have been returned need not be re-advertised but can be allotted/granted to parties who had earlier been unsuccessful.

Therefore, the writ petition is allowed. The petitioner shall be granted one permit with one return trip daily on the Bathinda—Amritsar route against the permit surrendered by Punjab Roadways.

(K.S.GAREWAL)
JUDGE

(AJAI LAMBA)
JUDGE

April 19, 2007
RSK